

Article - Environment

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§1–606.

- (a)
 - (1) In this section the following words have the meanings indicated.
 - (2) “Board” means the Board of Public Works.
 - (3) “License” means a license under § 16–202 of this article.
- (b) This section applies to:
 - (1) A permit listed under § 1–601(a) of this subtitle;
 - (2) A permit listed under § 5–204(f) of this article; or
 - (3) A license issued under § 16–202 of this article.
- (c) Any judicial review of a determination provided for in accordance with § 1–601 of this subtitle or § 5–204 or § 16–204 of this article shall be limited to a record compiled by the Department or Board, consisting of:
 - (1) Any permit or license application and any data submitted to the Department or Board in support of the application;
 - (2) Any draft permit or license issued by the Department or Board;
 - (3) Any notice of intent from the Department or Board to deny the application or to terminate the permit or license;
 - (4) A statement or fact sheet explaining the basis for the determination by the Department or Board;
 - (5) All documents referenced in the statement or fact sheet explaining the basis for the determination by the Department or Board;
 - (6) All documents, except documents for which disclosure is precluded by law or that are subject to privilege, contained in the supporting file for any draft permit or license;
 - (7) All comments submitted to the Department or Board during the public comment period, including comments made on the draft application;

(8) Any tape or transcript of any public hearings held on the application; and

(9) Any response to any comments submitted to the Department or Board.

(d) (1) When a draft permit or license or tentative determination is issued, the Department or Board shall:

(i) Make available for inspection and copying no later than the date the permit, draft license, or tentative determination is issued:

1. All permit or license applications;

2. Documents submitted with a permit or license application;

3. All documents relied on in making the tentative determination; and

4. A privilege log that identifies all documents not produced for inspection in accordance with subsection (c)(6) of this section and states the reasons for withholding each document; and

(ii) Extend the public comment period by 60 days on request by a person.

(2) A request submitted to the Department or Board under paragraph (1)(ii) of this subsection shall be:

(i) Submitted in writing; and

(ii) Made before the expiration of the original comment period.

(3) A public comment period may not be extended more than once under paragraph (1)(ii) of this subsection.

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